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5 **Attorneys for Plaintiffs**

6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 JERRY VAUGHN and THERESA TRAVERS,)

11 Plaintiffs,)

12 v.)

13 BAY ENVIRONMENTAL MANAGEMENT)
14 INC., CAESAR NUTI, DENNIS VARNI,)
15 MARIO AQUILINO, LOYD BONFANTE SR.,)
16 JOSEPH DELLA ZOPPA, ESTATE OF)
17 RICHARD GRANZELLA SR., EDWARD)
18 MENOSSE, PASQUALE PARENTI, FSC)
SECURITIES CORPORATION, AND)
JERROLD N. WEINBERG,)

19 Defendants.)

20 FSC SECURITIES CORPORATION and)
JERROLD N. WEINBERG,)

21 Cross-Claimants,)

22 v.)

23 BAY ENVIRONMENTAL MANAGEMENT)
24 INC., ESTATE OF PINA J. BARBIERI,)
CAESAR NUTI, and DENNIS VARNI,)

25 Cross-Defendants)

26
27 This Stipulation is made by and between Plaintiffs Jerry Vaughn and Theresa Travers
28 (“Plaintiffs”), Defendants Bay Environmental Management Inc., Caesar Nuti, Dennis Varni, Mario

1 Aquilino, Loyd Bonfante Sr., Joe Della Zoppa, Estate of Richard Granzella Sr., Eddie Menosse, and
2 Pasquale Parenti, and Cross-Defendant Estate of Pina J. Barbieri¹ (“Bay Environmental
3 Defendants”), and Defendants FSC Securities Corporation and Jerrold N. Weinberg (“FSC
4 Defendants”) (collectively, the “Parties”), by and through their respective counsel of record, with
5 respect to the following facts:

6 WHEREAS on November 20, 2009, the Court held a Status Conference and issued a Status
7 Conference Order (Docket No. 145);

8 WHEREAS the Court’s Status Conference Order set this case for trial on June 21, 2010;

9 WHEREAS the Court’s Status Conference Order set the pretrial conference for June 18,
10 2010;

11 WHEREAS the Court’s Status Conference Order states that the last hearing date for
12 dispositive motions is April 30, 2010;

13 WHEREAS the Court’s Status Conference Order requires that all discovery be completed
14 and depositions taken by March 15, 2010²;

15 WHEREAS on December 2, 2009, counsel for Plaintiffs served Defendant Bay
16 Environmental Management, Inc., with notice of deposition pursuant to Fed. R. Civ. P. 30(b)(6) for
17 December 15, 2009;

18 WHEREAS on December 11, 2009, counsel for Defendant Bay Environmental
19 Management, Inc., and the Bay Environmental Defendants discovered approximately 18,000 pages
20 of documents in the possession of one of their Rule 30(b)(6) witnesses that they believe will be
21 produced as either responsive to Plaintiffs’ written requests for documents or as part of the Bay
22 Environmental Defendants’ Fed. R. Civ. P. 26 initial disclosures; and

23 WHEREAS counsel for the Bay Environmental Defendants estimates that these documents
24 will be provided to Plaintiffs by the close of business on Wednesday, December 23, 2009.

25
26 ¹ Pina Barbieri, named as a Cross-Defendant herein, passed away several years ago. *See* Docket
27 No. 36. Defendants Mario Aquilino, Loyd Bonfante Sr., Joe Della Zoppa, Estate of Richard
28 Granzella Sr., Eddie Menosse, and Pasquale Parenti are Defendants to this action, but have not been
named in the FSC Defendant’s Cross-Complaint.

² The Court’s Minutes, Docket No. 144, set December 31, 2009, as the fact discovery cutoff date.

1 NOW, THEREFORE, the parties to this action, by and through their undersigned attorneys,
2 hereby stipulate as follows:

- 3 A. The Bay Environmental Defendants will provide all newly-found responsive
4 documents to Plaintiffs and the other Parties by close of business on December 31,
5 2009.
- 6 B. The deadline for responses to pending discovery requests will be extended to January
7 29, 2010.³
- 8 C. The deadline for completion of fact discovery will be extended to March 1, 2010.
- 9 D. The deadline for completion of expert discovery will be extended to May 17, 2010.
- 10 E. The last hearing date for motions to be noticed in accordance with Civil Local Rule
11 7-2 shall be July 2, 2010.
- 12 F. The case shall be set for trial on September 7, 2010, at 9:30 a.m. or at the Court's
13 convenience.
- 14 G. A pretrial conference shall be scheduled for September 3, 2010, at 10:00 a.m. or at
15 the Court's convenience.

16 The parties hereby so stipulate, and respectfully request that the Court so order.

17
18 DATE: December 23, 2009

LEWIS, FEINBERG, LEE,
RENAKER & JACKSON, P.C.

19 By: /s/
20 Teresa S. Renaker
21 Attorneys for Plaintiffs JERRY VAUGHN
22 and THERESA TRAVERS

23 ³ On November 20, 2009, Bay Environmental Defendants served FSC Defendants with (1) Cross-
24 Defendants' First Set of Interrogatories to Cross Claimants FSC Securities Corp. and Jerrold N.
25 Weinberg; and (2) Cross-Defendants' First Set of Requests for Production of Documents to Cross
26 Claimants FSC Securities Corp. and Jerrold N. Weinberg. On November 25, 2009, FSC Defendants
27 served Bay Environmental Defendants with (1) Request for Production of Documents to Bay
28 Environmental, Nuti, Varni and Barbieri, Set One; and (2) Special Interrogatories to Bay
Environmental, Nuti, Varni and Barbieri, Set Two. They also served Plaintiffs with (1) Request for
Production of Documents to Plaintiffs, Set One; and (2) Special Interrogatories to Plaintiffs, Set
Two. On November 30, 2009, Bay Environmental Defendants served Plaintiffs with Bay
Environmental Defendants' First Set of Special Interrogatories to Plaintiffs Jerry Vaughn and
Theresa Travers.

1 DATE: December 23, 2009

MORGAN LEWIS & BOCKIUS LLP

2 By: /s/

3 D. Ward Kallstrom

4 Nicole A. Diller

5 Angel T. Lin

6 Attorneys for Defendants BAY

7 BAY ENVIRONMENTAL

8 MANAGEMENT INC., CAESAR NUTI,

9 DENNIS VARNI, MARIO AQUILINO,

10 LOYD BONFANTE SR., JOSEPH DELLA

11 ZOPPA, ESTATE OF RICHARD

12 GRANZELLA SR., EDWARD

13 MENOSSE, and PASQUALE PARENTI

14 DATE: December 23, 2009

15 WILSON, ELSER, MOSKOWITZ,
16 EDELMAN & DICKER LLP

17 By: /s/

18 Bernard Gehlhar

19 Emily Wood

20 Attorneys for Co-Defendants FSC

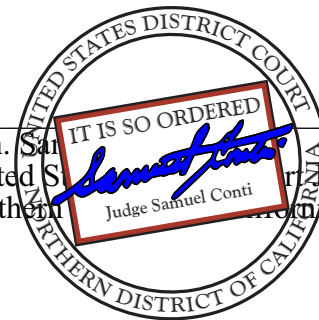
21 SECURITIES CORPORATION and

22 JERROLD N. WEINBERG

23 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

24 DATE: January 5, 2010

25 Hon. S. _____ Judge
26 United S. _____
27 Northern _____



1 ATTESTATION

2

3 I hereby attest that for all conformed signatures indicated by a “/s/,” the signatory has

4 concurred in the filing of this document.

5

6 DATE: December 23, 2009

By: /s/
Teresa S. Renaker

7

8 Teresa S. Renaker
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